

### **REMARKS**

Claims 5-22 are pending in this application. Reconsideration of the subject patent application and allowance of the claims are respectfully requested in view of the following remarks.

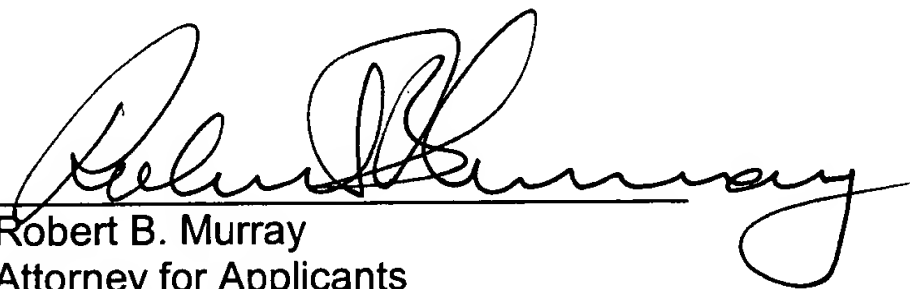
#### ***Claim Rejections - 35 U.S.C. §102***

Claims 5-22 were rejected under 35 U.S.C. §102(e) as being anticipated by Taenaka et al. (U.S. 6,649,274). While Applicant does not agree with the Examiner's anticipation analysis and believe the Taenaka reference fails to teach or suggest each and every limitation of claims 5-22, Applicant herein submits that the Taenaka reference is not prior art, and therefore, all outstanding rejections are improper and should be withdrawn.

The Taenaka reference (U.S. Patent No. 6,649,274) was cited under 35 USC §102(e). The Taenaka reference was filed in the U.S. on November 7, 2001 as a U.S. National Stage Entry application of a PCT application filed on September 29, 2000. As the PCT application was filed prior to November 29, 2000, the earliest possible 102(e) date of the Taenaka reference is the U.S. National Stage Entry date, which cannot be earlier than the actual U.S. filing date of November 7, 2001. On the other hand, the instant Application has the U.S. filing date of August 10, 2001 and this is earlier than the Taenaka reference's earliest possible 102(e) date (November 7, 2001). See MPEP, 8<sup>th</sup> Ed., Ver. 4, page 700-35, Example 6.

In view of the above remarks, Applicant submits that all outstanding rejections have been overcome and the present Application is now in condition for allowance. Therefore, allowance of the Application is respectfully requested.

Respectfully submitted,

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